

# ***PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE***

***Of the***

***Suffolk County Legislature***

## **Minutes**

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on August 15, 2006.

### **Members Present:**

Legislator Jack Eddington • Chairman  
Legislator Kate Browning • Vice•Chair  
Legislator Wayne Horsley  
Legislator Vivian Vilorio•Fisher  
Legislator Joseph Caracappa  
Legislator Daniel Losquadro  
Legislator Jay Schneiderman

### **Also In Attendance:**

Presiding Officer William Lindsay • District #8  
Legislator Lou D'Amaro • District # 17  
George Nolan • Counsel to the Legislature  
Ian Barry • Assistant Counsel to the Legislature  
Rich Baker • Deputy Clerk/Suffolk County Legislature  
Robert Calarco • Aide to Legislator Eddington  
Bobby Knight • Aide to Presiding Officer Lindsay  
Paul Perillie • Aide to Majority Caucus  
Linda Bay • Aide to Minority Cacus  
Eric Brown • Aide to Legislator SchneidermanFisher  
Vinessa Manfre • Aide to Legislator Cooper  
Jim Maggio • Budget Review Office

Jill Moss • Budget Review Office  
Sean Clancy • Budget Review Office  
Ben Zwirn • Assistant County Executive  
Brian Beedenbender • County Executive Assistant  
Christine Malafit • Suffolk County Attorney  
Dennis Brown • County Attorney's Office  
Robert Kearon • Division Bureau Chief/District Attorney's Office  
Robert Moore • Chief of Department/Suffolk County Police Department  
Aristedes Mojica • Inspector/Chief of Dept's Office/SCPD  
Kenneth Rau • Chief of Detectives/SCPD  
Dennis Caine • Deputy Chief of Detectives/SCPD  
Robert Donohue • Lieutenant/Minority Recruitment Division/SCPD  
Stephen Jensen • Detective Sergeant/SCPD  
Lloyd Hicks • Police Officer/Suffolk County Police Department  
Brad Maier • Deputy Commissioner/Fire, Rescue & Emergency Services  
Bill Mulligan • President/Suffolk County Superior Officers Assoc.  
Hope Collazo • Director/Community Service Program•American Red Cross  
Debbie Eppel • Public Information Office  
Maria Perez•Lent • STOP DWI Coordinator  
Douglas Death • Chair/Transportation Advisory Board  
Sharon Cates•Williams • Comm/Department of Information Technology  
Catherine Hoake • Suffolk County League of Women Voters  
Mary McLaughlin • Suffolk County League of Women Voters  
Sandy Sullivan • Legislative Liaison/AME  
Danielle Spataro • Resident/Town of Islip  
Alex Fumelli • Resident of Smithtown  
Catherine Harris • ERASE Racism  
Elaine Gross • ERASE Racism  
Howard Glickstein • ERASE Racism  
Michele Santantonio • Executive Director/LI Fair Housing Services  
All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney • Court Stenographer

**(\*The meeting was called to order at 11:35 AM\*)**

**CHAIRMAN EDDINGTON:**

Good morning. I would like to start the Public Safety meeting and I would like to do the Pledge of Allegiance. Mr. Horsley, if you could start us.

**LEG. HORSLEY:**

Absolutely.

***Salutation***

**CHAIRMAN EDDINGTON:**

Okay. I have no correspondence. I'd like to start with the public portion and I would like to ask Elaine Gross to come forward.

**MS. GROSS:**

Thank you, Legislator Eddington. I have some copies that I'd like the Clerk to hand out to the members. Thank you.

My name is Elaine Gross and I am President of ERASE Racism as well as a resident of Suffolk County and I'm here today to request that IR 2027 be tabled so that further amendments can be made. I have provided you with a briefing document, which is the second document that I'm just handing out to you, specifying the five recommendations to the legislation recommended by ERASE Racism. There is no doubt that the Suffolk County Human Rights Law needs to be strengthened and a strong local enforcement system implemented.

In 2002, many Long Islanders were shocked to find that US Census data showed Nassau•Suffolk to be the third most racially segregated suburb in the nation; while many other areas of the country were moving forward, our housing patterns weren't much different than they were in 1968 when President Linden Johnson signed the Federal Fair Housing Act outlawing racial and other forms of discrimination in rentals and sales. In April of 2005, ERASE Racism issued a report confirming the persistence of housing discrimination but found that the Suffolk County Human Rights Commission had actually opted out of enforcing fair housing. The commission rarely investigated fair housing complaints, there was no local enforcement. At best, a complainant was sent to the New York State Division of Human

Rights which is a notoriously ineffective and disorganized State agency.

The persistence of segregation and remaining high levels of housing discrimination in Suffolk County is proof that the State is not effectively doing its job. Housing discrimination is illegal and should be taken as seriously as other illegal activities. Suffolk County residents need and deserve proper protection and local enforcement of fair housing laws.

ERASE Racism has been involved in negotiations with the Suffolk County Executive since May, 2005, regarding amending the current Human Rights Law. Though we can agree that the substantive law is an affirmative step in the right direction and applaud the County Executive for his efforts, the proposed enforcement system and IR 2027 is inadequate and flawed and leaves the Suffolk Human Rights Commission unaccountable. The bill puts forth faulty County enforcement system. Through a variety of legal loopholes, Suffolk residents, who have experienced discrimination, are not ensured that their complaint will be investigated at the local level, that they will be offered mediation services and that they will have their day before a County Administrative Law Judge.

The bill allows the Suffolk Human Rights Commission to dismiss complaints for no stated reason, even if probable cause of discrimination has been found. In addition, there are measures that can lead to the coercion of complainants to accept agreements that may not be fair. The commission has complete discretion to voice complaints off to the dysfunctional state which is already proven •• which has already proven itself incapable of effectively addressing illegal housing discrimination in Suffolk County. The amendments I submit to this Legislative body today provide the simple changes required in the current text of IR 2027 to guarantee Suffolk County residents that their fair housing complaints will be locally investigated and prosecuted under an effective local enforcement system that is accountable for its action.

And the second document which you have ••

**CHAIRMAN EDDINGTON:**

I'm sorry, we're going to have to ask you to hold off on reading that.

**MS. GROSS:**

Okay. No, I don't want to read that.

**CHAIRMAN EDDINGTON:**

Okay.

**MS. GROSS:**

Can I just indicated there are five recommendations here and one of them has to do with the substantive law and the other four have to do with the enforcement system.

**CHAIRMAN EDDINGTON:**

Thank you, and I have a question for you from Legislator Viloría•Fisher.

**MS. GROSS:**

Okay.

**LEG. VILORIA•FISHER:**

Good morning, Ms. Gross. Nice to see you again.

**MS. GROSS:**

Good morning.

**LEG. VILORIA•FISHER:**

I have a couple of questions because as I indicated to you when we last spoke, I would be asking about your recommendations.

**MS. GROSS:**

Uh•huh.

**LEG. VILORIA•FISHER:**

And with regard to the issue of that one word change which is "yes" rather than "shall" regarding •• referring language •• the language that refers to the mediation and conciliation, is that the part which has ••

**CHAIRMAN EDDINGTON:**

It said it "may".

**LEG. VILORIA•FISHER:**

That it "shall" instead of "may"?

**MS. GROSS:**

It's number three on the document, just so people can follow along.

**LEG. VILORIA•FISHER:**

Thank you, I was just trying to find the correct spot.

**MS. GROSS:**

Determination of probable cause, it's on page ••

**LEG. VILORIA•FISHER:**

Okay, right; "If a determination is made pursuant to subparagraph" •• "that probable cause exists or of a commission•initiated complaint has been filed, the Executive Director of the commission shall refer the complaint to an Administrative Law Judge." Now, it was indicated to me that with the term "may", it gave the director of the commission the discretion to refer cases to the State because the State has jurisdiction over these issues and that if we were to take all of these cases and hear them ourselves, then we're relieving the State of the burden of having to do its authorized task of having these hearings. Can you speak to that question, please?

**MS. GROSS:**

Well, there is Federal Law and there is State Law related to fair housing. And so yes, the State does have jurisdiction to enforce the State Fair Housing Law, but that doesn't have anything to do with the County having an effective enforcement system, an effective law and an effective enforcement system. In fact, when the Federal Fair •• when the Federal Law was enacted, the drafters of that •• and we have one of the drafters here in the room so he can speak to it more directly •• but the idea was that more effective enforcement could take place on the local level. And so even though they were setting up the Federal law to say no one, no matter what • • no matter where they are in the country, they should have these minimal protections, that's the floor, if you will, they envisioned local enforcement.

And so we're not •• what we're saying is that Suffolk County should, in fact, take seriously their enforcement authority and carry out that process through to the end, that they shouldn't reach probable cause that there may have been •• that there has been housing discrimination and then say to the person, "Well, you can go to the State or you can go to the court if you wish"; that person should be allowed their day before an Administrative Law Justice. And that is •• this isn't something new that we're making up, that's the way it's done with all of the enforcement systems, that it's •• it is part of the process, it's not a new thing.

**LEG. VILORIA•FISHER:**

Thank you. Thank you, Ms. Gross.

**MS. GROSS:**

Okay?

**LEG. BROWNING:**

Can I ask a question?

**CHAIRMAN EDDINGTON:**

Sure, Legislator Browning.

**LEG. BROWNING:**

Good morning, I think still.

**MS. GROSS:**

Good morning.

**LEG. BROWNING:**

One of the modifications you're requiring or amendments you're requiring is reasonable modification and reasonable accomodation.

So say someone with a disability wants to rent an apartment, maybe it's an upstairs apartment, when you're talking about reasonable modification and accomodation, are you •• you know, are you going to have a limit as to what that landlord has to do to make that •• you know, to accommodate that renter; like say it may need an elevator? You know, at what point does it become too much for the landlord?



**MS. GROSS:**

The landlord has to provide justification why this would be a hardship, an undo hardship on them to take care of the modification that's being requested. So some things are easy to do, you put a bar up in the bathroom or something, and especially if you're a large landlord, that should not break your budget. The recommendation that we have here says that in addition to the •• what's already identified as being covered in this legislation would be the kinds of modifications that you're talking about. The recommendation here is that it be amended to include the financial, if you will, so that the landlord can't say, "Well, under no circumstances will I take a person with a disability if there is a co•signer on that lease."

**(\*Legislators Caracappa & Schneiderman entered the meeting • 11:47 AM\*)**

And what we're saying is that that's the kind of thing somebody with a disability may be able to have some kind of a job or a part•time job, it might not keep them from living independently, but it might be that their rent can be subsidized, if you have a disabled adult child you might say, "Well, I'm able to subsidize that." And so again, the landlord would be required to put forth why this is an undo hardship on them to allow that accomodation. It doesn't automatically force them but it sets up the process so that they can't, on the other hand, automatically say, "I'm not going to consider that disabled renter because they want to have their parent co•sign on that lease." Did that answer your question?

**LEG. BROWNING:**

I'm not so sure. I'm not so sure.

**LEG. VILORIA•FISHER:**

Could I follow•up; would you mind?

**LEG. BROWNING:**

Go ahead.

**LEG. VILORIA•FISHER:**



Okay, because I'm looking at 2027 on page seven of that and there is a list of reasonable accommodations, and what you're saying, Elaine, is that you don't disagree with the list of reasonable accommodations that are listed here, but in addition to that you're asking for financial accommodations.

**MS. GROSS:**

That's right, that there be one more added.

**LEG. VILORIA • FISHER:**

And that financial accommodation refers to, for example, if I had an adult child, a 27 year old child let's say, who is mentally retarded •• not mentally retarded, but perhaps someone who isn't fully capable of earning the kind of living that one needs to •• because of a disability isn't able to earn a living here that would give him the ability to sign a lease, he doesn't make enough money; that that accommodation be that I would be allowed to be a co •signer with that person, with my child on a lease to provide the financial requirements for him to get into that apartment.

**MS. GROSS:**

Right.

**LEG. VILORIA • FISHER:**

But you're not disagreeing with any of the physical accommodations that are already in the law?

**MS. GROSS:**

Correct. There's no disagreement with ••

**LEG. VILORIA • FISHER:**

Did that answer your question?

**LEG. BROWNING:**

Yeah, I think so.

**MS. GROSS:**

•• those things that are already in the law, this is a request to add an additional item.

**LEG. VILORIA • FISHER:**

So that a person with a disability would not be pro •• would not be denied access to an apartment because he can't sign the lease because he doesn't make enough money, that he be allowed to have a co•signer on that.

**MS. GROSS:**

He would not be automatically allowed. The person who is the owner would still have to go through the process to say this is •• you know, they might put forth some argument about why this is an undo hardship. So that's what I'm saying, it's not automatic on either side, but the person who is the owner would have to prove that it is an undo hardship, otherwise the person should be allowed to have the co•signer and to be able to move into the apartment.

**CHAIRMAN EDDINGTON:**

You good?

**LEG. VILORIA • FISHER:**

Well, I actually •• Legislator Browning had yielded to me, so she still has the floor.

**LEG. BROWNING:**

No, that's okay, I'm done.

**CHAIRMAN EDDINGTON:**

Thank you very much, Ms. Gross.

**MS. GROSS:**

Okay, thank you very much. And we'd be glad after •• if you think of another question at some later time, please call us and let us know.

**CHAIRMAN EDDINGTON:**

Thank you.

**LEG. VILORIA • FISHER:**

Thank you.

**CHAIRMAN EDDINGTON:**

Howard Glickstein, please.

**MR. GLICKSTEIN:**

Good morning, members of this committee. Let me introduce myself. First, I'm the Dean Emeritus and a Professor of Law at Touro Law Center. I served as the Dean from 1986 to 1999 to 2004 and that's why I'm limping today. I also served as the Dean of the University of Richmond Law School and held faculty positions at Notre Dame and Howard Universities.

I have extensive experience with drafting, interpreting and the enforcement of Civil Rights Laws. From 1960 to 1965 I was an attorney with the Civil Rights Division of the Department of Justice. I played a major roll in drafting both the Civil Rights Act of 1964 and the Voting Rights Act of 1965. From 1965 to 1971 I served as General Counsel and then Staff Director of the United States Commission on Civil Rights. The commission played a significant role in securing the passage of the Civil Rights Act of 1968 which included Title 8 of the Fair Housing Law. Another important function of the commission was to monitor the enforcement of Civil Rights Laws, particularly on the Federal level but also on the State and Local level.

In addition to my civil rights experience •• my civil rights experience has included serving as Director of the Notre Dame Center for Civil Rights, as Director of the Howard Law School's Equal Employment Litigation Clinic and as Director of President Carter's Task Force on Civil Rights Organizations •• reorganization, and also as a teacher of Civil Rights Laws. I am a member of the Board of ERASE Racism and it is in that capacity that I'm here today.

Elaine Gross has indicated a number of respects in which the Suffolk law falls short of what we believe is necessary for an effective Fair Housing Law. In 1964 and again in 1968, when Congress passed Civil Rights Laws, Congress did something that was relatively unprecedented, they created Federal rights, but they also said that in the State or locality where there is an effective Civil Rights Agency, a person complaining must first go to that agency. Now, this was very unusual. I don't think there are too many examples of Federal law where you have a Federal right and you can't go

directly to Federal Court, where you're first asked to go to a State or local Civil Rights agency. And Congress did that for a reason, they felt that fair employment laws and fair housing laws were best enforced at the local level and they wanted to encourage State and local governments to have effective civil rights agencies to enforce those laws, and that's why we feel it is so important here that the Suffolk Human Rights Commission has an effective enforcement mechanism.

Now, a question was asked about why not let the State handle it. Housing complaints are very different than employment discrimination complaints, for example. If you're denied a promotion or a job and you file a complaint, it's not so important how long it takes to have that resolved, because when it is resolved you'll get promoted, you'll get back pay, you might get some other benefits, but a person looking for a home is not interested in a year or two year litigation process, they want a place to live. And that's why it's so important that matters be resolved at the local level and not be referred up to the State. For example, just one ••

**CHAIRMAN EDDINGTON:**

Mr. Glickstein, your resume was great but it took two minutes of the three minutes.

**MR. GLICKSTEIN:**

Okay, sorry.

**CHAIRMAN EDDINGTON:**

And this is a public portion where you get to say whatever you want for three minutes. We're going to have a public hearing where you'll have five minutes and we can have more dialogue. I think you have a lot to say and I don't think you can say it in another two minutes; I'm wondering if you could come back when you'll have more time.

**MR. GLICKSTEIN:**

Any time. I also have a written statement that I'll give to the Clerk.

**CHAIRMAN EDDINGTON:**

I appreciate that. Just finish up your •• another 30 seconds, if you don't mind.

**MR. GLICKSTEIN:**

Well, the question that was asked about what if the State is handling some complaints and why have the Suffolk Human Rights Commission go into it. Well, the one objection we have is that the Human Rights Commission finds that there is probable cause, at that point they may refer the case to the State. By the time they find that there's probable cause could be many, many weeks, if not months. It's not the very first day that the complaint is filed, it's already gone through an investigation that made that determination and if at that point you tell somebody, "Well, now you go to the State," it might be six months before they were denied the housing and that could be settled at the local level much more quickly.

**CHAIRMAN EDDINGTON:**

Thank you very much.

**MR. GLICKSTEIN:**

Thank you.

**LEG. VILORIA•FISHER:**

I have one question about that.

**CHAIRMAN MONTANO:**

Okay, we have a question from Legislator Viloria•Fisher.

**LEG. VILORIA•FISHER:**

I apologize, Mr. Chair, I know that this will be discussed in public hearing, but right now when we're working on the bill, I just wanted to understand some of the changes. When we say send it up to the State, walk me through that, what does that mean? Does it mean that the case goes to Albany or does it mean that there's a regional office here? I'm not an attorney ••

**MR. GLICKSTEIN:**

There is a regional office and the file would be sent over to the regional

office.

**LEG. VILORIA • FISHER:**

Where is that?

**MR. GLICKSTEIN:**

Unless that changed ••

**LEG. VILORIA • FISHER:**

Okay, and it's right here across the •• in the State building?

**MR. GLICKSTEIN:**

•• as I recall, it's in the Bronx, but I could be wrong. I think that's where the Regional Office of the State Human Rights Commission is, but I could be wrong about that.

**LEG. VILORIA • FISHER:**

Okay. And then is there a waiting list to get on the docket or to be heard when you send it to the State? What I'm trying to do is follow your time line, are we creating ••

**MR. GLICKSTEIN:**

The State has traditionally had enormous backlogs in handling cases and complaints, enormous backlogs. There have been State Legislative investigations of that, there have been proposals to change the procedures because the agency is so backlogged. So it could take many, many, many months, if not longer, for the State to get to something.

**LEG. VILORIA • FISHER:**

Now once our local jurisdiction has determined that there's probable cause and sends the case to the State, does the State then have to go back to the beginning to reestablish the case or does it just take •• continue from where the local jurisdiction left?

**MR. GLICKSTEIN:**

The State would have the investigative file that was prepared at the local level, if it had gotten to the point of finding probable cause, and then they

would decide whether the investigation was adequate or not adequate. I would hope in most cases they would decide that the investigation was adequate and they wouldn't have to go back to the very beginning, they might have to interview some of the witnesses that have previously been interviewed if they wanted to proceed, but they wouldn't have to start from scratch.

**LEG. VILORIA•FISHER:**

Okay. Thank you very much.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much. Michele Santantonio.

***(\*Presiding Officer Lindsay entered the meeting at 11:59 AM\*)***

**MS. SANTANTONIO:**

Good afternoon. My name is Michele Santantonio, I'm the Executive Director of Long Island Housing Services. We are a not•for•profit, Private Fair Housing Agency and Advocacy and Enforcement Agency that's been serving the public, private and government agencies in Suffolk since 1969. Our work includes education and advocacy to promote equal opportunity and treatment, improve housing conditions, advance consumer rights and protections related to tenancy situations and sales and mortgage lending.

Beginning in the early 1970's, Long Island Housing Services has taken the fair housing lead on Long Island in proactively investigating illegal housing discrimination, using testing when feasible to gather and analyze claims and filing complaints where evidence supports victim's claims. We've utilized local, State and Federal law. I've worked myself in the anti•discrimination field for nearly 30 years beginning as a Suffolk County Human Rights Investigator from 1977 to 1990 when I left and started to work for the Private Fair Housing Agency, Long Island Housing Services. I was appointed Director in 2000, but prior to that I was the head of the enforcement unit.

Currently, outside of the unique services that we offer, the enforcement of fair housing laws for people in Suffolk County is very limited to file complaints administratively through HUD's Fair Housing Enforcement Office



and the State Division of Human Rights, or if somebody has the wherewithal, hire a private attorney and go into Federal or State Court, which is very costly and also very time consuming. Since 1999, when the New York State law was deemed substantially equivalent to the Federal Fair Housing Act, very few complaints have been handled at the Federal level by HUD and through that process victims have lost a lot of the protections. Long Island Housing Service helps the victims of housing discrimination navigate through the complaint process and we assist them often filing as a party with them.

We have about 35 years of experience in filing administrative complaints with the State Division of Human Rights and HUD on behalf of its clients and also as an organizational agency withstanding as a qualified private fair housing organization. In 1982, the United States Supreme Court ruled that private agencies have standing to bring complaints on behalf of testers that are given untruthful information about housing and also on behalf of the organization doing this work. Unfortunately, our experience has been that in recent years especially the New York State Division of Human Rights does not adequately investigate discrimination complaints related to fair housing in particular. They also have a very poor reputation related to timely processing of employment discrimination cases. The result is that many victims of housing discrimination don't bother to report it. The State Division's notoriously lengthy and unconscionable delays in resolving complaints adds to the public's perception that nothing will be done if a fair housing complaint is filed. Suffolk County needs a sound local enforcement system to help its residents seek proper redress for illegal housing discrimination without relying on an inadequate State process.

Some of the problems that Long Island Housing Service has encountered include lack of timely processing of complaints, sometimes it may take four to six weeks before an investigation is initiated just by notice to the respondent and complainant party that they've accepted the complaint. Procedurally required notices have been overlooked such as calling the parties, the people that are accused of discrimination and the person that's claiming to be the victim.

**CHAIRMAN EDDINGTON:**

Can I ask you to just kind of wrap up now, please?

**MS. SANTANTONIO:**

I'm going to go real fast. Calling parties to trial without any opportunity to have their essential witnesses prepared and present or their designated representatives; deficient investigations that cause improper closure; emphasis on quick and low settlements to try and avoid detailed reports; and lack of properly trained staff. We've had some cases pending, after Administrative Law Judge trial which is a quite rare thing, usually they try to force a settlement but cases that have gone to trial, we're still waiting more than a year and a half for a decision. Furthermore, victims of discrimination sometimes have to go into the Bronx, the cases have been shunted off of Long Island for many years now. We used to have a very functional Hauppauge office and Hempstead office for Long Island region, however under current and recent administrations they've created a Bronx Housing Unit so it takes almost a whole day just getting there and back ••

**CHAIRMAN EDDINGTON:**

Thank you. I get the message.

**MS. SANTANTONIO:**

Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much for your presentation.

**MS. SANTANTONIO:**

I would like to also let you know that the question regarding Ms. Browning about disability is addressed in our Fair Housing Guidebook, I have copies that can be distributed of my presentation and that book.

**CHAIRMAN EDDINGTON:**

Sure; give it to the Clerk, please. Thank you.

**MS. SANTANTONIO:**

Pages 10 through 12.

**CHAIRMAN EDDINGTON:**

Thank you very much.

**LEG. HORSLEY:**

Jack, can I ask a quick question?

**CHAIRMAN EDDINGTON:**

Yes, Legislator Horsley.

**LEG. HORSLEY:**

Yes, while we're distributing that ••

**CHAIRMAN EDDINGTON:**

Ms. Santangio ••

**LEG. HORSLEY:**

Santantonio?

**CHAIRMAN EDDINGTON:**

Santantonio, yes.

**LEG. HORSLEY:**

Yes, I have a quick question. Your general request is that Suffolk County expand its roll in fair housing, and certainly I'm sympathetic to that cause. But the whole •• what I've heard over the last three speakers, including yourself, is that the State has dropped the ball. Is this possibly a situation where that administration, this was a lower priority than other administrations and that once the State changes its gubernatorial header or whatever that there may be other •• there may be more of an emphasis on this issue and then alleviating Suffolk County to have •• not to have broaden their roll in this. I'm just questioning.

**MS. SANTANTONIO:**

Yeah, I can answer from my perspective. Again, over several administrations ••

**LEG. HORSLEY:**

Yeah, that's all I could ask, because you've had a Federal view, a private view and you made criticisms of the State program.

**MS. SANTANTONIO:**

At one time Suffolk County was considered to be acceptable in State eyes, so we had a Memorandum of Understanding that allowed the local commission to investigate complaints under State Law and process them, and if you had a decent investigation it was rubber•stamped and things were processed accordingly and pretty timely. But in the last I'd say eight years, that's changed dramatically and since 1981 we no longer have that Memorandum of Understanding. But the other big goal of this landmark legislation would be that Suffolk locally would be considered a substantially equivalent agency wouldn't have to utilize that State process, HUD can contract with Suffolk County Human Rights Commission as a Fair Housing Assistance Program called a FHAP. We as a private not•for•profit are a FHIP, a Fair Housing Initiative Program, we get funds we compete for. But as a government entity, if your law was substantially equivalent, you would qualify for Federal funds that would bolster the commission's resources to do this work.

And frankly, yeah, I think yes, you're absolutely right, the State's dropped the ball, but so has Suffolk County. It's been written in Local Law for decades that it's allowed to discriminate not only in employment which is mainly what the commission's been focusing on forever, but also in housing, public accomodation, credit and education; those are all the areas that the local commission is empowered and authorized to investigate. And frankly, that's where also the ball has been dropped and the disservice is to Suffolk residents.

**LEG. HORSLEY:**

Thank you.

**CHAIRMAN EDDINGTON:**

Thank you very much.

Okay, that ends the public portion. Staying with the human rights theme, I'm going to ask Lieutenant Bob Donohue from the Suffolk County Police

Department to come up and speak to Minority Recruitment Advertising Campaign. You can certainly sit if you choose to, or whatever is more comfortable.

**LIEUTENANT DONOHUE:**

Good afternoon, Ladies and Gentlemen. My name is Lieutenant Bob Donohue, I'm the Commanding Officer of the Community Outreach Bureau of the Suffolk County Police Department which is comprised of PAL Recruitment and Crime Stoppers.

I'm here with you today to ask your assistance in approving a contract for the department's Minority Recruitment Initiative or campaign which we're looking to start immediately to address the entrance examination which is scheduled for June 9th, 2007. This is an important matter for two main reasons; one is because the department is currently working under a Consent Decree which mandates the department does certain acts for recruitment, in particular minority recruitment for our entrance examination; and also because I'm looking to jump start the campaign for the next entrance examination to further increase the diversity within the Suffolk County Police Department.

You should have a copy in front of you of the model agreement of the contract. The amount is \$200,000 which was •• which is in•line of what was spent during the last couple of campaigns with small increases for cost of living. And the purpose of this campaign, again, is to further increase the department diversity by using print, radio and TV advertising.

**P.O. LINDSAY:**

Can I just add something?

**CHAIRMAN EDDINGTON:**

Sure; Mr. Presiding Officer.

**P.O. LINDSAY:**

Lieutenant, this came to us by virtue of a CN last time and the Legislature was reluctant to approve it without seeing the contract because there was only one bidder.

**LIEUTENANT DONOHUE:**

Right.

**P.O. LINDSAY:**

Who was the one bidder?

**LIEUTENANT DONOHUE:**

The one bidder was Sanna Mattson MacLeod Incorporated. According to Civil Service, approximately 29 other vendors had received the RFP for this contract and we had one company that submitted the RFP which is Sanna Mattson.

**P.O. LINDSAY:**

Can you •• do you know why only one responded? Isn't that ••

**LIEUTENANT DONOHUE:**

From what I understand, the amount of the contract, \$200,000, is not attractive enough for some other companies to get involved in something like this when they add in the cost of the print, radio and television media.

**P.O. LINDSAY:**

Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I had had some discussions with the Commissioner regarding this back I guess a year ago and I had brought to him, since I have a number of acquaintances in the advertising industry, the fact that the United States Military have been very successful in their marketing towards minorities and had discussed some of the successes that one of the largest advertising firms in New York City, which is Young & {Rubekam} and they do all of the advertising for the United States Military; in fact, they have individual groups for each branch of the military. And I'm just curious as to who this was sent out to. I'm just surprised, with the number of firms out



there, there are very few advertising agencies that do business in Suffolk County, the vast majority of the firms are Manhattan•based. I was just wondering how broad this was in terms of who we look to send this out to. I'm really just surprised, even for a media buy for \$100,000 a year, that we didn't get more responses than this. Are you aware of how broad the net recast was?

**LIEUTENANT DONOHUE:**

Well, the process that Purchasing uses is to give the public notice, they do it via Internet and they do advertising in local papers. And as I mentioned, I think the real reason is the fact that it's only \$200,000. I know New York City Police Department spends upwards of \$10 million on a campaign. So my only guesstimate would be that there's not enough money there to justify a larger company being interested.

**LEG. LOSQUADRO:**

Okay. And the only •• as I said, I was just surprised that we only had one respondent, but the methodology I think that will be employed is the direction that I think should be taken and is actually very much in line with what the Commissioner and I had discussed over a year ago. So I'm hopeful that the outcome will be what we want. Thank you.

**LIEUTENANT DONOHUE:**

Yes, thank you.

**CHAIRMAN EDDINGTON:**

Okay. Mr. Nolan, please.

**MR. NOLAN:**

Well, just for the committee, the Local Law requires that if there's an RFP and we get one respondent, the Legislature has to approve the contract. What we have before us looks to be really a cover sheet for the contract which describes the term, which is a year and \$200,000, and a couple of pages which I think came from the RFP itself; am I correct in that?

**LIEUTENANT DONOHUE:**

Yes, sir, that's correct. And I couldn't give you a copy of the contract, as I



understand, you have to give the approval first of choosing this one company in order for us to draw up the contract.

**MR. NOLAN:**

When we approve leases, for example, what we get is •• it's not an executed lease but it's a draft document of what the lease is going to be, and we're approving that lease or something very close to it. In this particular case •• well, it's just what I described.

**LEG. CARACAPPA:**

Mr. Chairman?

**LIEUTENANT DONOHUE:**

And I do have a contract, a copy of the proposal from the advertising company itself which describes what they will do for the \$200,000 contract. And this company has done work for the County in the past; as a matter of fact, they did the last minority campaign for the Police Department four years ago, so it's not as if it's a company that we have no history of.

**CHAIRMAN EDDINGTON:**

Legislator Caracappa.

**LEG. CARACAPPA:**

I was just going to make a recommendation. I don't think we put anything in jeopardy at this point, seeing that there's only one responder, if we do see the contract. Seeing that we don't have the particulars of the contract aside from what Counsel has described, when the bill comes up I would like to entertain the motion or you would entertain the motion, the committee, to discharge without recommendation and ask Lieutenant Donohue and the Police Department to get the entire Legislature a copy of the contract and the specifics of it, things that are lacking today. I would probably be appreciated by the Legislature as a whole come next Tuesday so that we •• even though, again, it's a company we've done business with and it's only one respondent, it's something that will probably put us at ease and help us do our jobs, just as people of oversight. So I would recommend that we do that, Mr. Chairman, again, it's a majority of the committee, but I would put that motion forward when the time comes.

**CHAIRMAN EDDINGTON:**

Thank you. Okay, anything else that you wanted to add, Lieutenant?

**LIEUTENANT DONOHUE:**

Sir, as far as the contract itself, it's copied to the RFP, we have an RFP with the model contract that's contained in that. And as I mentioned, I understand the process, the contract itself cannot be executed until the approval comes from the Legislature to be able to choose this one company, unless I'm mistaken. I had called to actually get a copy of the contract which doesn't exist which is the \$200,000 which will be spent on the proposal which I have in my hand.

**MR. NOLAN:**

Right. As I mentioned, when we approve leases they're not executed leases. It would be helpful I think if you got us the model contract and distributed that before the next meeting of the Legislature on Tuesday, that will probably be sufficient if you give us the model contract that was attached to the RFP.

**LIEUTENANT DONOHUE:**

Okay.

**CHAIRMAN EDDINGTON:**

You know, maybe if we could have our County Attorney come up just for a second and just give me your perspective. Is this what it has to be? I mean, I'm hearing it here, I want to hear it from you.

**MR. BROWN:**

Thank you. Dennis Brown from the Department of Law. Ordinarily, when an RFP is done, there will be a proposed or a model or a template agreement that goes out with the RFP. It might be through the RFP process modifications, changes, amendments, additions, but ultimately the bottom line is that there is a draft that's attached to the RFP. And really, we shouldn't have any problem in assisting the Police Department in getting that to the Legislature for the next meeting.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much.

**MR. BROWN:**

Thank you.

**CHAIRMAN EDDINGTON:**

Legislator Horsley.

**LEG. HORSLEY:**

Yeah, just quickly. Lieutenant, last time was the contract for \$200,000 the last go•around?

**LIEUTENANT DONOHUE:**

Yes, sir.

**LEG. HORSLEY:**

And how did they do?

**LIEUTENANT DONOHUE:**

We're hoping for more success next time.

**CHAIRMAN EDDINGTON:**

That means not too good, Legislator.

**LEG. HORSLEY:**

I understood. Does that concern you at all?

**LIEUTENANT DONOHUE:**

It does, but we're doing other things. In addition to the media campaign, we're doing a lot in recruitment. We've increased the recruitment unit, we're advertising on our own, I'm using some Asset Forfeiture money to place ads in local papers, we're reaching out to community leaders, to civic leaders, NAACP, the Urban League. So we're doing, I think, quite a bit more than the last campaign, in addition to the standard media campaign that's done every four years.

**LEG. HORSLEY:**

Okay. All right, thank you very much.

**CHAIRMAN EDDINGTON:**

Thank you very much, Lieutenant. Thank you.

**LIEUTENANT DONOHUE:**

Thank you.

**CHAIRMAN EDDINGTON:**

All right, I would like to start with the agenda and some tabled resolutions.

**Tabled Resolutions**

***1253•06 • Establishing a task force to study feasibility of eliminating illegal drug racing by establishing a legal drug racing strip • •***

**P.O. LINDSAY:**

Drag.

**CHAIRMAN EDDINGTON:**

Drag; what did I say?

**LEG. BROWNING:**

Drug.

**CHAIRMAN EDDINGTON:**

Oh, sorry •• ***a legal drag strip in Suffolk County (Cooper)***. It's been requested by the sponsor to table, so a motion to table.

**LEG. BROWNING:**

Motion.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions?  
***Tabled (VOTE: 7•0•0•0).***

***IR 1257•06 • Creating the Suffolk County Identity Theft Task Force (Romaine).***

**LEG. VILORIA•FISHER:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table.

**LEG. HORSLEY:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Horsley.

**LEG. VILORIA•FISHER:**

May I •• can we ask Inspector Rau to come up?

**CHAIRMAN EDDINGTON:**

I was going to do that.

**LEG. VILORIA•FISHER:**

Thank you.

**CHAIRMAN EDDINGTON:**

Thank you. If I could ask Inspector Rau to come forward to just address this so we'll know where it's going.

**CHIEF RAU:**

Good afternoon. What we're looking at right now is the Suffolk County Identity Theft Unit is proceeding to evaluate each agency within the County to find out if there are any sites that are the potential for compromise within the County.

As far as this resolution goes right now, we've looked at a number of things and originally when I was here the first time when we discussed it, the

resolution was described to establish the task force, I believe by the sponsor, as a chicken soup measure. It is chicken soup, it will make certain people feel good, but it will be very, very ineffective at approaching doing anything to resolve the problem. The problem is out there, it is very, very severe. I have some things that I've prepared, if I could approach each person individually, just to show you the stuff that is available on free sites about each and every individual; if that is okay with you. I realize it's not with protocol to approach, but if it's all right?

**CHAIRMAN EDDINGTON:**

It's okay, sure.

**LEG. LOSQUADRO:**

I'm a little ascared.

**CHIEF RAU:**

This was done in about five minutes on the Internet.

**CHAIRMAN EDDINGTON:**

This is crazy.

**LEG. VILORIA • FISHER:**

Wait a minute, this is incorrect.

**CHIEF RAU:**

It gets even worse. Some of them may be incorrect, but that's what's out there right now on individuals that •• it is information that is readily available. So when you talk about a position of compromise, we are looking at a number of different places. Pardon?

**LEG. LOSQUADRO:**

I was just looking.

**CHIEF RAU:**

Something may be wrong, but this is the stuff that's out there on each individual site.

**LEG. LOSQUADRO:**

I was a history major, not an art history major.

**CHIEF RAU:**

I'm sorry if that offended you, sir.

**LEG. HORSLEY:**

I can now see why my identity was stolen.

**LEG. VILORIA•FISHER:**

It has my kids Social Security numbers.

**CHIEF RAU:**

Now that was done in five minutes on free sites that are available to anyone. So when you're looking at the information that is available out there, what I also did was show the required fields on obtaining a credit card. All of the information on a required field would be obtained in about five to ten minutes by somebody that wanted to go on the Internet.

What we're looking at right now is the horse is already out of the barn, substantially out of the barn, and what we have to do is we have to address it. Now, there are ways to remove your identity from these various data mining sites, LEXIS•NEXIS, ChoicePoint. A lot of my Detectives including Detectives assigned to the Computer Crimes Unit and Identity Theft Units have done that. Just so you don't feel victimized by me alone, I then ran them; the Detectives that removed their information three months ago are relisted on each and every one of these web sites.

So this is the problem we're dealing with right now. We are in the process right now with the Identity Theft Unit of attempting to, you know, install protocols and make recommendations to show people how to remove it, how to check it, how to keep up with it. Unfortunately, it is problematic. The resolution before us is not going to help solve this problem. It is •• as I say, the horse is substantially out of the barn. My Identity Theft Unit would love to work with members of the Legislature and put out information to the residents of Suffolk to help those victims of identity theft, to educate people



on how to prevent it. These things are already in place. Right now we are doubling the national average and clearance rates on identity theft. And I will answer any questions, I saw you were looking at the brief remarks.

**CHAIRMAN EDDINGTON:**

Legislator Viloria•Fisher.

**LEG. VILORIA•FISHER:**

I'm going to follow•up on something that was mentioned at our last meeting by Legislator Losquadro which was that we currently have a number of departments in the •• in County government, including the Legislative department, where ••

**LEG. LOSQUADRO:**

Time sheets.

**LEG. VILORIA•FISHER:**

•• time sheets have Social Security numbers on them. In fact, when I was signing my staff's time sheets, there was one who did not include it, he said he never puts it on, and I instructed my other employees not to put them on because these are just loose sheets that are going from one spot to another.

**CHIEF RAU:**

We are aware of that particular problem, we are in the process of making recommendations right now. We had several •• for the sake of argument, Suffolk Community College used to post ••

**LEG. LOSQUADRO:**

Grades.

**CHIEF RAU:**

•• grades with Social Security numbers.

**LEG. LOSQUADRO:**

Stony Brook too.

**LEG. VILORIA•FISHER:**

That's how mine was at Stony Brook, by Social Security number.

**CHIEF RAU:**

So now they've changed it that they have an identification number. We have retirement numbers in Suffolk County, each person is issued a retirement number, but they may not be unique enough; hopefully by the time this board meets again, I'll be able to put forth a proposal that would eliminate the use of that. But the problem is the point of compromise that we're looking at can be in so many places and in so many ways. We're looking at at least a third of our identities we feel are compromised well outside of Suffolk County and probably outside of the country. At least a third of the products that are being sold or purchased are being shipped to locations outside of Suffolk County.

We will have approximately 2,000 reported cases of identity theft in Suffolk County this year. As I say, we're doubling the clearance rate nationwide and we're improving in that area and as we network with other law enforcement agencies we are finding the methodologies that identities are being stolen and identities are being disbursed across the country. For sake of argument, we've had •• when you go to a mall, they have these little kiosks, some people purchase things in a kiosk; these kiosks actually are like gypsies and travel from mall to mall; we've had identities compromised here that are now being used in Virginia. It's a very, very big problem.

The point of compromise is diverse, it is an ever•evolving crime. Each time we put in a measure to •• a countermeasure, there is a reaction in the identity theft community. Again, not •• you know, trying to show you, this information is not only available through your employee's time sheets, in five seconds they're going to go on•line. And identity theft, can it be compromised internally? Yes. We have investigations in financial institutions where identity theft we feel has been compromised by employees in financial institutions. We're going to try to make recommendations to prevent as much of it as possible, but in many cases •• and identity theft, people that commit identity theft, they're going up on •line, they're going out, they're using mobile data computers, they're picking up wireless internet and they're compromising identities.

One of the things that's amazing is that you can apply for a credit card, you can have a home address but have the billing sent to another address, you apply on•line. I mean, I can go into detail after detail. I mean, everybody thinks that a mother's maiden name is something that's sacred, "It will guard my identity." We've done things where we've put in other names, that's only to use, to access that credit card, that information, that code information. So identity theft could put in your mother as Adolph Hitler and he would be able to or she would be able to access that information on the credit card using that because that's the name that was given.

It is very, very weak. We're working on it continually and I will answer any questions. I hope I didn't alarm too many people with that, but as I say, that was five minutes.

**CHAIRMAN EDDINGTON:**

Well, you can see there's no questions, so we're in shock.

**LEG. VILORIA•FISHER:**

Well ••

**CHAIRMAN EDDINGTON:**

But it does sound like, you said the horse is out of the barn but it sounds like you're on top of it, so.

**CHIEF RAU:**

We're working on it, as I said. The unit is fully tasked right now, we will be putting out bulletins and looking at each and every area. I was made aware of Legislator Losquadro and Legislator Vilorina•Fisher's concerns, we were looking at those concerns and they are valid and they are very valid.

**CHAIRMAN EDDINGTON:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you, Chief. And the reason that I brought up the shortcoming in the County system is I think we should obviously clean•up our own house first.

**CHIEF RAU:**

Without a doubt, sir.

**LEG. LOSQUADRO:**

And I think that's an important first step. Could you just inform this committee? Obviously we only have so much at our disposal here, even though we are a very large municipality. Is there any legislation pending on either State or Federal level to address some of these concerns such as alternate billing addresses for credit cards or things that would help us?

**CHIEF RAU:**

There's a number of different legislative proposals out there about disclosing personal identification information, local, State and Federal initiatives. The problem being a lot of the laws are not applicable, a lot of the sites that these people are accessing and a lot of the credit card companies and things like that will go out of State or out of •• you know, to avoid a State or a Local Law they'll go to, for sake of argument, Delaware, or in some circumstances they'll ••

**LEG. LOSQUADRO:**

They'll go to India.

**CHIEF RAU:**

What?

**LEG. LOSQUADRO:**

They'll go out of the country.

**CHIEF RAU:**

Well, way out of the country. And a lot of these sources will bounce their servers all over. I mean, we have sources that are bouncing service from China to Pennsylvania.

**LEG. LOSQUADRO:**

Thank you, Chief.

**CHAIRMAN EDDINGTON:**

Okay. You know, regarding the County's own system, maybe we can have Ms. Cates•Williams address that.

**MS. CATES•WILLIAMS:**

Good morning. I just wanted to add to what the presenter was just talking about. In•house, we really need to clean•up our act because our situation is probably a lot more serious than more people are even aware of.

I can speak to what's going on in my department, the things that I have control of, but I'm also concerned about data that is available outside of my department that I don't always know about until I ask a question or I just happen to see something either on someone's desk or something coming through interoffice mail. The issue around the timesheets is a big issue and there really is no need for any timesheet to include a Social Security number, because you have payroll clerks who are very familiar with the people within their department. So to see Sharon Cates•Williams' name appear, you know, twice a month, you know who I am, you don't need my Social Security number. And the system that they're accessing has my Social Security Number, so it does not physically have to appear on the piece of paper that people are circulating. And the danger of that is that these pieces of paper are being circulated through the interoffice mail system, as well as through e•mail. You have payroll clerks who are communicating with the payroll evaluators, should someone come back from disability or change their status, that type of communication is being done through e•mail. So you have a paper trail going through your interoffice mail, also through your e•mail system, and we need to be really concerned about that.

There are currently 97 reports that are printed right now out of my shop. Out of the 97 reports, 33 of those reports still contain full Social Security numbers. Now, there have been discussion with these departments who are receiving these reports and they seem to feel that they absolutely have to have these reports with Social Security numbers. My concern is that County •wide we do not have a policy on how to dispose of these reports, so if I was to say to someone, "I agree that you need this report," there is no policy

telling this person, telling this department how they should dispose of these reports when they're finished, so that's a concern that we all should be concerned about.

There are 64 reports that have been moved to only display the last four digits of the Social Security number. Now, that is a good step to take, but I still think that we need to move towards total elimination of Social Security numbers and I'm sure the presenter here would agree with me on that. Now, how do we get there is the question. There are seven major systems in the County that contain these Social Security numbers, five of those systems are payroll related, so either we move at the payroll related and they're being developed in-house using an antiquated language called COBAL which I'm sure you all •• you all have heard this discussion before ••

**LEG. VILORIA•FISHER:**

Boy, I took that in college in 1969.

**MS. CATES•WILLIAMS:**

Yes, so you know that that is a major concern that we have here. Also, those COBAL developers, many of them may or may not retire within the next three years. So this is our biggest mission•critical application in the County, so another red flag should raise in your minds around that. So ••

**LEG. LOSQUADRO:**

I apologize for interrupting, but I just want to bring up a point, because I am familiar with some areas of the financial industry. Actually, this is not a problem that's localized, the majority of the credit card transactions, billions of them worldwide, are actually still done on COBAL systems, and so this is not something that's just localized to us.

**MS. CATES•WILLIAMS:**

Right.

**LEG. LOSQUADRO:**

I just wanted to •• I just wanted to just make that point.

**MS. CATES•WILLIAMS:**



Yeah, I agree with you on that. Well, the reason why I mention the whole •  
• the fact that these systems are written in COBAL is there has been some talk about moving away from our existing payroll system on to another system that's not written in COBAL, a more modern day system. And if we were to move in that direction, five of those seven major systems would be consolidated into a newer system that would use a unique ID as opposed to Social Security numbers. So that's something that we would want to keep in mind.

But the point that I want to make is what can we do right now to clean•up our house? Well, I would like to move those 33 reports that contain the full Social Security numbers to at least to display the last four digits of the Social Security number and not the full, so I would like to do that. Second, I would like to move towards the total elimination of Social Security numbers on all printed reports, and along with that create a policy on the proper disposal of printed reports, we really need that.

I had a meeting a couple of weeks ago and we talked about the Blue Cross ID number and the County is moving towards using this unique ID number that we will receive from Blue Cross. So now I'm thinking maybe we would use that as our identifier instead of the Social Security number, so that is something that we're also looking at. And of course, if you are still •• if there's still an interest around replacing the entire payroll system, that would move us closer to a unique ID number for all County employees, not just existing but through our disability system we have now non•County employees and we also track spouses information as well, spouse and children information.

**CHAIRMAN EDDINGTON:**

What I would like you to do is give me a list of your items and your recommendations ••

**MS. CATES•WILLIAMS:**

All right.

**CHAIRMAN EDDINGTON:**

•• and I will personally work on that.



**LEG. HORSLEY:**

And her Social Security number.

**CHAIRMAN EDDINGTON:**

Yes, don't put my Social Security number on it. Are there any questions?

No. Thank you very much.

**LEG. VILORIA•FISHER:**

It sounds like a tag team here.

**CHAIRMAN EDDINGTON:**

Yeah, everybody got very quiet as you both spoke, so we will work on that for sure. Thank you very much.

**MS. CATES•WILLIAMS:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay, I have a motion to table and a second. All those in favor? Opposed? Abstentions? ***Tabled (VOTE: 7•0•0•0).***

**LEG. VILORIA•FISHER:**

May I change that to table subject to call? Because it looks like we've had all these questions answered by Chief Rau.

**MS. NOLAN:**

We already called the vote.

**LEG. VILORIA•FISHER:**

Oh, we already called the vote? Never mind.

**LEG. BROWNING:**

Next time.

**LEG. VILORIA•FISHER:**

I think it's almost timed out anyway.

**CHAIRMAN EDDINGTON:**

All right, thank you.

***IR 1296•06 • A Local Law establishing responsible standards and controls for alarm systems that require Police Department response (Cooper).*** It has to be tabled for a public hearing.

**LEG. LOSQUADRO:**

Motion.

**CHAIRMAN EDDINGTON:**

Motion to table by Legislator Losquadro.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All in favor? Opposed? Abstentions?  
***Tabled (VOTE: 7•0•0•0).***

***1648•06 • a Local Law establishing regulations for scrap metal dealers (County Executive).*** I thought Mr. •• did you want to speak to that, Mr. Zwirn?

**LEG. LOSQUADRO:**

I'll make a motion to table.

**LEG. BROWNING:**

Make a motion to table.

**MR. ZWIRN:**

Just a motion to table.

**CHAIRMAN EDDINGTON:**

Okay, we'll make a motion to table by Legislator Losquadro.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions?

***Tabled (VOTE: 7•0•0•0).***

***IR 1684•06 • Amending • •***

**LEG. VILORIA•FISHER:**

86, Jack.

**CHAIRMAN EDDINGTON:**

***Eighty•six, sorry, 1686•06 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the purchase of a replacement helicopter for the Police Department (CP 3117) (Schneiderman).***

**LEG. VILORIA•FISHER:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table by Legislator Vilorina•Fisher.

**LEG. SCHNEIDERMAN:**

I think the offset is bad now, because if I recall at the last meeting of the Legislature, that money went to a sound wall in the Commack area, so I don't know if I can use that offset anymore. But if you want to table it, I'm opposed to tabling.

**LEG. VILORIA•FISHER:**

Did you want to withdraw it?

**LEG. SCHNEIDERMAN:**

I'm not sure what I'm going to do with it. I'm not going to support tabling it.

**LEG. VILORIA • FISHER:**

We'll just table it and not do anything.

**CHAIRMAN EDDINGTON:**

Okay. Well, I have a motion ••

**LEG. SCHNEIDERMAN:**

I'm going to have to look at it again, though.

**CHAIRMAN EDDINGTON:**

Motion to table, second by Legislator Browning. All those in favor?  
Opposed?

**LEG. SCHNEIDERMAN:**

Opposed.

**CHAIRMAN EDDINGTON:**

One opposed. Abstentions? Okay, ***tabled (VOTE: 6•1•0•0 Opposed: Legislator Schneiderman).***

***1814•06 • A Local Law to enhance implementation and enforcement of the "DWI Seizure Law" by Towns and Villages located outside the County Police District (Schneiderman).***

**LEG. SCHNEIDERMAN:**

The public hearing got recessed and the bill has been amended, so we need to table that.

**LEG. HORSLEY:**

Second.

**LEG. CARACAPPA:**

Second.

**CHAIRMAN EDDINGTON:**

Okay, recommended to table by the sponsor, second by Legislator

Caracappa. All those in favor? Opposed? Abstentions?

***Tabled (VOTE: 7•0•0•0).***

### **Introductory Resolutions**

***1933•06 • Requesting Legislative approval of a contract award for a Minority Advertising Campaign for the Suffolk County Police Department (County Executive).***

**LEG. VILORIA•FISHER:**

Did we agree on discharging?

**CHAIRMAN EDDINGTON:**

We were going to approve without recommendation and that was made by Legislator Caracappa.

**LEG. VILORIA•FISHER:**

To discharge without recommendation?

**LEG. CARACAPPA:**

Yes, Mr. Chairman.

**LEG. VILORIA•FISHER:**

And I'll second that.

**CHAIRMAN EDDINGTON:**

Second by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

Thank you. ***Discharged without recommendation (VOTE: 7•0•0•0).***

***IR 1950•06 • Authorizing the Department of Information Technology to study the feasibility of a "Mapquest" styled information system on the County's website for Suffolk County Transit Bus Routes (Eddington).***

Motion by Legislator ••

**LEG. BROWNING:**

Yourself?

**LEG. VILORIA • FISHER:**

Yourself.

**CHAIRMAN EDDINGTON:**

Myself, okay. Second by Legislator Browning.

**LEG. LOSQUADRO:**

On the motion.

**CHAIRMAN EDDINGTON:**

On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

Just out of curiosity, a Mapquest styled information service, is that sort of like using the generic term Kleenex? And we're not going to be contracting with Mapquest to ••

**MS. CATES • WILLIAMS:**

Yes, that is correct.

**LEG. LOSQUADRO:**

Okay, I just wanted to make sure.

**LEG. SCHNEIDERMAN:**

On the motion?

**MS. CATES • WILLIAMS:**

And I'll just give you a quick update on that.

**LEG. LOSQUADRO:**

Please, an explanation would be nice.

**MS. CATES • WILLIAMS:**

We have •• we have been working with the New York State Department of

Transportation and PATH, they were developing a website to do exactly what we wanted and it's called Trip123.com. We have included our bus information, all of our transportation information in that system and we should all be able to look at Trip123.com and see our information in there shortly. I will keep you posted and send you more information about that.

**CHAIRMAN EDDINGTON:**

Great. Excellent, thank you.

**MS. CATES • WILLIAMS:**

So a lot of progress.

**CHAIRMAN EDDINGTON:**

Okay.

**LEG. VILORIA • FISHER:**

Mr. Chair, I'd like to go on as a cosponsor.

**CHAIRMAN EDDINGTON:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I think it's a great idea. My only question, since it's a bill authorizing the Department of Information Technology to study the feasibility, you can do that now without the bill, it sounds like you're already doing it.

**MS. CATES • WILLIAMS:**

It's done.

**LEG. SCHNEIDERMAN:**

It's done. So it's not directing them to do it and they already have the authority to do it, so I'm just not clear as to the purpose ••

**CHAIRMAN EDDINGTON:**

Then let's •• then I would recommend to table it and we'll change it.

**LEG. SCHNEIDERMAN:**



Okay. I mean, I don't mind passing it, but we can do lots of bills like this and ••

**CHAIRMAN EDDINGTON:**

Absolutely.

**LEG. SCHNEIDERMAN:**

I don't know if I want to get ••

**CHAIRMAN EDDINGTON:**

Who thought they could be faster than me? I'm glad that I stimulated and we were working on it, so that's a good idea.

**LEG. SCHNEIDERMAN:**

So whatever is your pleasure.

**LEG. CARACAPPA:**

Mr. Chairman, I would recommend that you do table it and change it to implementing as an official policy of the County.

**CHAIRMAN EDDINGTON:**

Implement, absolutely, and I take that recommendation. So I will put the motion to table.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Losquadro. All those in favor?

**LEG. VILORIA•FISHER:**

And I'd love to be a cosponsor on that.

**CHAIRMAN EDDINGTON:**

Thank you. Opposed? No abstentions. Okay, ***tabled (VOTE: 7•0•0•0).***

**LEG. BROWNING:**

I'll cosponsor it, too.

**CHAIRMAN EDDINGTON:**

***IR 1976•06 • A Local Law to provide fair and equitable cost containment for residents in certain Emergency Service Districts (Schneiderman).***

**LEG. SCHNEIDERMAN:**

Yeah, I had to reintroduce this and I guess it's going to need a new public hearing.

**CHAIRMAN EDDINGTON:**

Table for public hearing, yeah.

**LEG. SCHNEIDERMAN:**

Yeah, and we're also •• I have a meeting coming up with Kate and with Ben Zwirn and several other people about this issue, so we need to table.

**CHAIRMAN EDDINGTON:**

Okay, table by request of the sponsor.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions?  
***Tabled (VOTE: 7•0•0•0).***

***1986•06 • A Local Law to enhance evacuation plans for pets and animals (Cooper).***

**MR. NOLAN:**

This has to be tabled.

**CHAIRMAN EDDINGTON:**

This needs to be tabled. I'll make the motion to table for public hearing.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All those in favor? Opposed? Abstentions?

***Tabled (VOTE: 7•0•0•0).***

***IR 2027•06 • A Local Law to update and strengthen the investigation and enforcement powers of the Suffolk County Human Rights Commission and to achieve substantial equivalence with the Federal Fair Housing Act (County Executive).***

**LEG. LOSQUADRO:**

Motion to table.

**CHAIRMAN EDDINGTON:**

Motion to table.

**LEG. VILORIA•FISHER:**

Second.

**CHAIRMAN MONTANO:**

Seconded by Legislator Viloria•Fisher. All those in favor?

**MR. ZWIRN:**

On the motion?

**CHAIRMAN EDDINGTON:**

Opposed? Abstentions?

**MR. ZWIRN:**

Mr. Chair?

**CHAIRMAN MYSTAL:**

Okay, on the motion; go ahead, speak. Too late.

**MR. ZWIRN:**

You're faster than I am.

**LEG. VILORIA • FISHER:**

It's tabled for public hearing; we're quick on the draw here.

**MR. ZWIRN:**

Only that the County Attorney has been waiting to speak on this because there were comments made at the public session, she wanted to be able to respond. Could she just have the opportunity, a few moments just to do that?

**CHAIRMAN EDDINGTON:**

I have her on my list to call up, I just wanted to get this out of the way and ••

**MR. ZWIRN:**

Okay. Sharon Cates may have been quicker than you on that one, but on this one you got us.

**CHAIRMAN EDDINGTON:**

Thank you, Ms. Malafi.

**MS. MALAFI:**

Good afternoon. How are you? I just wanted to address a couple of the comments that were made earlier by Elaine Gross. She kept saying over and over again about taking this problem seriously; I've been •• myself personally and the County Executive personally have been working on this IR since March of 2004, so •• and we've had countless meetings.

I've looked at •• I heard what Ms. Gross said and I just wanted to address a couple of things. One of her complaints is about the dismissal process where a case can be dismissed. The provision in our law is identical, almost identical to the Nassau Law, but for some reason she's not complaining about that provision in the Nassau County Law. It does not allow dismissals before investigations, it allows dismissals only after investigations where •• or during an investigation where the complainant stops cooperating with the Human Rights Commission. I think we can all agree that when the complainant stops responding to phone calls and requests for interviews, the

investigation process pretty much has to stop. So that particular complaint by ERASE Racism I do not agree with.

One of the other complaints was about the referral back to New York State. The reason that we did it that way, that it was done that way •• and I was present at every conference, every meeting on this IR •• is because there are instances where the State may be prosecuting or investigating a discrimination claim against a big, let's say, realty company or a big landlord that's throughout the State, and in those instances we wanted to be able to allow the State to take in another complaint that they're already investigating and add it to their list of charges against a particular landlord or realtor or banking institution because predator lending practices are prohibited by this IR, and that is why it was done that •• it's in there and that's why it was done that way. There are explanations for it that seem to be valid.

And then I don't know if you want me to just •• she handed out a piece of paper with five things that they wanted; do you want me to address them, do you want me to just take questions?

**LEG. VILORIA•FISHER:**

Can I ask a question?

**CHAIRMAN EDDINGTON:**

Sure, let's have Legislator Viloria•Fisher ask a question.

**LEG. VILORIA•FISHER:**

I just •• Ms. Malafi, I just want to ask you a question about what you've already said. Where I'm looking at the dismissal part, and I'm on their comments on the •• I think it's the second page of the comment page, on the briefing. But it says here that the amendment that they have is simply to add a Roman Numeral IV, the basis for dismissing the case; it looks to me like that's all they're asking to add there in their amendment. And wouldn't we simply be able to indicate that the case has been dismissed because of an uncooperative complainant?

**MS. MALAFI:**

The first comment is that this is a problem that we've had with ERASE Racism since March of 2004. They handed out a sheet with five items on it and you think that that's all the items they have to discuss about the bill, but Elaine Gross went further than just these five items.

**LEG. VILORIA • FISHER:**

Okay, that wasn't our •• that wasn't the impression that we got.

**MS. MALAFI:**

I was listening to her, and I guess because I'm so intimately involved with this IR, I know that that's not what she was talking about. She was saying she does not •• they do not agree with the whole dismissal process. That every complaint should be investigated by the Human Rights Commission and there should be no basis for dismissal without an investigation. And it's in her letter in Newsday yesterday, that was one of her complaints.

**LEG. VILORIA • FISHER:**

The Op Ed, yeah.

**CHAIRMAN EDDINGTON:**

Yes, right.

**MS. MALAFI:**

So that it does happen. This is precisely one of the reasons why it took two years, over two years to get to this point.

Whether or not you want •• somebody wants to add in the basis for dismissing the case is a policy decision, it's not a legal decision, so that's •• I can't do •• I can't comment on that, it's a policy decision. I will tell you that depending on what items you list as a basis for dismissal, you might create some confusion, why did it get dismissed? But other than that, it's not a legal issue, that's a policy determination.

**LEG. VILORIA • FISHER:**

Okay. Regarding your second comment which was on the issue as to whether or not there was a larger case pending in the State level; could that be written into it that referrals will be made to the State to hear cases that would be part of a larger investigation going on at the State level? Because

that certainly makes sense and, in fact, I attended a conference at the Long Island Housing Services where they did some training on predatory lending practices and there are mortgage buyers that are very much involved. I think that's what they're called, those companies that buy these mortgages and they buy them from brokers who are selling them to people who aren't educated and are lying about income, etcetera. Now, if there's a case like that, then perhaps that could be considered an exception or something that could be mentioned?

**MS. MALAFI:**

My office is involved in the prosecution of the cases and in the •• some of the investigations, and I feel that if that is written into law, you're tying our hands as to when the referral can be made to the State. And because we haven't been involved in this for any period of time, because one of the omissions from what was said earlier was that what happened about eight years ago is that the Federal Government came in to the states, every state, and said, "You are no longer allowed to let local governments enforce the housing laws." That's why it stopped. The State was told, "You will get no more Federal money if you allow your local governments to enforce the housing discrimination laws."

**LEG. VILORIA•FISHER:**

That's when they discontinued that Memorandum of Agreement?

**MS. MALAFI:**

Correct, that's when the State •• it was discontinued because if the State didn't discontinue the Memorandum of Agreement, they would have stopped getting Federal funding. So what we're trying •• what we're trying to do is a few years ago the Federal Government allowed local governments who have substantially equivalent laws to the Federal Government to then start to investigate and prosecute housing discrimination. What we're trying to do in this law is become substantially equivalent to the Federal law so that we can qualify for some Federal funding; it's not a lot but at least it's something. And we were trying to not let the State, quote, off the hook completely. And I believe that if we add into law only the specific reasons for a referral back to the State, that we tie our hands and we won't be able •• I can't tell you every circumstance that's going to arise at this point. And because of the



fact that the referrals back to the State, we're going to keep track of them, at some point in time, if it gets out of hand, something can be done about it, but I don't feel that it's wise to tie our hands at the outset.

**LEG. VILORIA • FISHER:**

Okay. Thank you, Christine.

**CHAIRMAN EDDINGTON:**

Okay, thank you very much.

**LEG. CARACAPPA:**

Thank you.

**CHAIRMAN EDDINGTON:**

Okay, that has to be table for a public hearing, so I'll make the motion.

**LEG. LOSQUADRO:**

What, on 2027?

**CHAIRMAN EDDINGTON:**

Yeah.

**LEG. VILORIA • FISHER:**

I thought we did.

**LEG. LOSQUADRO:**

Just call the vote.

**LEG. VILORIA • FISHER:**

We did it already, didn't we?

**LEG. BROWNING:**

No, we made the motion; call the vote.

**LEG. LOSQUADRO:**

No, you didn't call 2026 yet.

**CHAIRMAN EDDINGTON:**

I'm on 2027.

**MR. NOLAN:**

We already called the vote.

**CHAIRMAN EDDINGTON:**

Oh, we did, okay. God, I'm fast. All right.

***IR 2036•06 • Amending Resolution No. 1423•2005 (County Executive).*** Counsel?

**MR. NOLAN:**

We're missing the fiscal impact statement, we need to table this.

**LEG. LOSQUADRO:**

Mr. Chairman, I understand, in looking at the backup of the bill, it's accepting additional funding. So I'll make the recommendation, if it is permissible by our rules, to discharge it without recommendation, or can it not leave committee at all?

**MR. NOLAN:**

It can't leave the committee. We can discharge it on Tuesday if we get the fiscal impact statement between now and then and vote on it then.

**LEG. LOSQUADRO:**

I would just ask Budget Review to provide that on Tuesday, if it's a matter of the County Executive's Office to provide that; being that it is accepting additional funding, I would like to not miss that opportunity.

**CHAIRMAN EDDINGTON:**

Absolutely, absolutely.

**LEG. LOSQUADRO:**

Motion to table then.

**CHAIRMAN EDDINGTON:**

Okay, motion made by Legislator Losquadro.

**LEG. BROWNING:**

Second.

**CHAIRMAN EDDINGTON:**

Second by Legislator Browning. All in favor? Opposed? Abstentions?

***Tabled (VOTE: 7•0•0•0).***

Okay, that's the conclusion of business. Thank you very much. Bye•bye.  
Meeting adjourned.

***(\*The meeting was adjourned at 12:53 PM\*)***

***Legislator Jack Eddington, Chairman  
Public Safety & Public Information Committee***

***{ } • Denotes Spelled Phonetically***